

**BEST AVAILABLE COPY**

94/ 3747

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/779,710 Confirmation No. : 6719  
First Named Inventor : Yasuhiro KAMIMURA  
Filed : February 9, 2001  
TC/A.U. : 3747  
Examiner : Willis Ray Wolfe  
Docket No. : 056203.42640RE  
Customer No. : 23911  
Title : Air Flow Rate Control Apparatus

**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

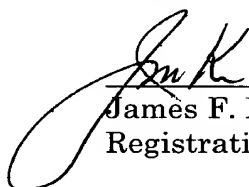
Sir:

In connection with a telephone conversation with Examiner W. Wolfe, we are submitting a true copy of all the papers submitted and received in the above-identified reissue application.

Special handling and issuance of Letters Patent is appropriate due to the loss of papers by the Patent and Trademark Office.

Respectfully submitted,

January 19, 2005

  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JFM:lvb

356674

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Crowell & Moring LLP

Today's Date: November 17, 2004

Att'y Docket: 056203.42640RE

First Named Inventor: Yasuhiro KAMIMURA

Serial No.: 09/779,710

Filing Date: February 9, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Status Request

JFM:mtm

DUE DATE: N/A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/779,710 Confirmation No. : 6719  
First Named Inventor : Yasuhiro KAMIMURA  
Filed : February 9, 2001  
TC/A.U. : 3747  
Examiner : Willis Ray Wolfe  
Docket No. : 056203.42640RE  
Customer No. : 23911  
Title : Air Flow Rate Control Apparatus

STATUS REQUEST

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

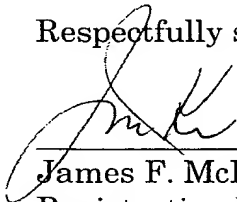
Sir:

Our records indicate that we have not received the Letters Patent for the above-identified application. The Issue Fee was paid on February 17, 2004, and the undersigned has not received any further correspondence in reference to the above-identified application since November 17, 2003 when we received the Notice of Allowance. Please advise the undersigned of the status of the application.

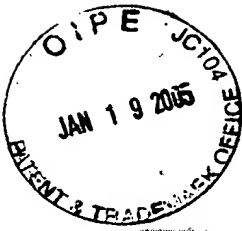
It would be appreciated if the undersigned were telephoned in the event there are any questions related to this Request or the application in general.

Respectfully submitted,

November 17, 2004

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JFM:mtm



Crowell & Moring LLP

Today's Date: February 17, 2004

MAIL STOP: ISSUE FEE

PATENT

Att'y Docket: 381AS/42640RE

Inventor(s): YASUHIRO KAMIMURA, et al.

Serial No.: 09/779,710

Filing Date: February 9, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Issue Fee Transmittal (in duplicate)

☒ Check No. 260904 in the amount of \$1,345.00

JFM/mys

DUE DATE: February 17, 2004

BEST AVAILABLE COPY



**CROWELL & MORING LLP**

VENDOR: 04615 Commissioner of Patents and Trademarks - DC 20231

Check No.:

260904

REF #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
142935	21704E	02/17/04	1,345.00	Code - 0084 - 0085 - 056203.42640RE - (MS)	1,345.00
09/779,710					

**crowell & moring**

1001 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004-2595

**SunTrust**  
Washington, DC

65-270/550

**260904**

Check Date

02/17/04

Amount

\$1,345.00\*\*\*\*\*

Pay:

ONE THOUSAND THREE HUNDRED FORTY-FIVE AND 00/100 USD

TO  
THE  
ORDER  
OF

Commissioner of Patents and Trademarks

Washington  
DC

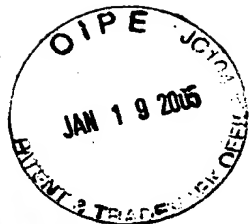
20231

Authorized Signature



⑈ 260904 ⑈ ⑆055002707⑆10000004897806⑈





Crowell & Moring LLP

Today's Date: December 9, 2003

MAIL STOP: ISSUE FEE

PATENT

Att'y Docket: 381AS/42640RE

Inventor(s): YASUHIRO KAMIMURA, et al.

Serial No.: 09/779,710

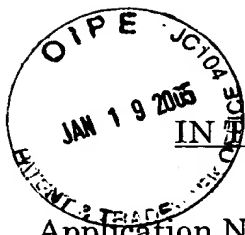
Filing Date: February 9, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Request for Acknowledgement of Consideration of Disclosed Information

JFM/ajf

DUE DATE ASAP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/779,710 Confirmation No. : 6719  
Applicant : YASUHIRO KAMIMURA, et al.  
Filed : February 9, 2001  
TC/A.U. : 3747  
Examiner : W. Wolfe, Jr.  
Docket No. : 381AS/42640RE  
Customer No. : 23911  
Title : AIR FLOW RATE CONTROL APPARATUS

**REQUEST FOR ACKNOWLEDGEMENT OF CONSIDERATION OF  
DISCLOSED INFORMATION**

**Mail Stop Issue Fee**

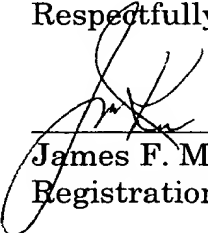
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Form PTO-1449 filed on October 27, 2003 has not been initialed and returned to Applicants. Applicants respectfully request that the Examiner initial and return a copy of the identified Form PTO-1449. A copy of that form is attached for the Examiner's convenience.

Respectfully submitted,

December 9, 2003

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM/ajf

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590 11/17/2003  
**CROWELL & MORING LLP**  
**INTELLECTUAL PROPERTY GROUP**  
**P.O. BOX 14300**  
**WASHINGTON, DC 20044-4300**



## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

TITLE OF INVENTION: AIR FLOW RATE CONTROL APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	02/17/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
WOLFE JR, WILLIS RAY	3747	123-399000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Crowell & Moring LLP

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hitachi, Ltd.

Tokyo, Japan

Hitachi Car Engineering Co., Ltd.

Ibaraki, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee

☒ Advance Order - # of Copies 5

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 05-1323 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

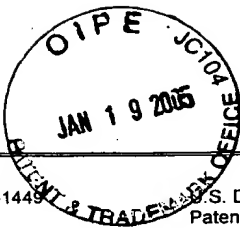
(Authorized Signature) James F. McKeown, Reg. #25,406 (Date) 2/17/04

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



FORM PTO-1449 U.S. Department of Commerce Patent & Trademark Office	Attorney Docket No. 056203.42640RE	Serial No. 09/779,710
	Applicant: Yasuhiro KAMIMURA et al.	
	Filing Date February 9, 2001	Group 3747

**INFORMATION DISCLOSURE STATEMENT**  
(Use several sheets if necessary)

December 8, 2003

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						

FOREIGN PATENT DOCUMENTS								
Examiner Initial		Country	Document Number	Date	Class	Sub-Class	TRANSLATION	
							Yes	No
	AK	JP	5-231894	9/1993			Abstract	
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
	AQ	
	AR	
	AS	
	AT	
	AU	
	AV	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 11/17/2003  
CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300



EXAMINER	
WOLFE JR, WILLIS RAY	
ART UNIT	PAPER NUMBER
3747	

DATE MAILED: 11/17/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

TITLE OF INVENTION: AIR FLOW RATE CONTROL APPARATUS

Issue Fee 2/17/04

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	02/17/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

7590 11/17/2003

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

WOLFE JR, WILLIS RAY

ART UNIT	PAPER NUMBER
----------	--------------

3747

DATE MAILED: 11/17/2003

23

## Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

A reissue patent is for "the unexpired part of the term of the original patent." See 35 U.S.C. 251. Accordingly, the above-identified reissue application is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

7590 11/17/2003

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

WOLFE JR, WILLIS RAY

ART UNIT PAPER NUMBER

3747

DATE MAILED: 11/17/2003

## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

### Section 1.18 Patent post allowance (including issue) fees.

- (a) Issue fee for issuing each original or reissue patent, except a design or plant patent:
- By a small entity (Sec. 1.27(a))..... \$665.00
  - By other than a small entity..... \$1,330.00
- (b) Issue fee for issuing a design patent:
- By a small entity (Sec. 1.27(a))..... \$240.00
  - By other than a small entity..... \$480.00
- (c) Issue fee for issuing a plant patent:
- By a small entity (Sec. 1.27(a))..... \$320.00
  - By other than a small entity..... \$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# Notice of Allowability

Application No.

09/779,710

Examiner

Willis R. Wolfe, Jr.

Applicant(s)

KAMIMURA ET AL.

Art Unit

3747

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed September 23, 2003.
2. ☒ The allowed claim(s) is/are 1-53.
3. ☒ The drawings filed on 09 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 08/583,794.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.
- 6 ☐ Examiner's Amendment/Comment
- 8 ☐ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

*Willis R. Wolfe, Jr.*

Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit: 3747

**PATENT**

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: October 27, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Information Disclosure Statement, Form PTO-1449 and references  
☒ Check No. 255764 in the amount of \$180.00

DUE DATE October 26, 2003

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

JFM/acd  
056203.42640RE

**CROWELL & MORING LLP**

VENDOR: 04815 Commissioner of Patents and Trademarks - DC 20231

Check No.: 255764

REF #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
133060	102703C	10/27/03	180.00	Code - 0083 - 056203.42640RE - (AD)	180.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

An English abstract summarizing the disclosure of the Japanese publication is submitted herewith.

In compliance with the concise explanation requirement under 37 CFR §1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding foreign Search Report citing such documents.

The present Information Disclosure Statement is being filed after either a final Office Action or a Notice of Allowance, but before payment of the Issue Fee,

and therefore Applicant is submitting herewith a check in the amount of \$180.00 under 37 CFR §1.17(p) and a Statement Under 37 CFR § 1.97(e).

**STATEMENT UNDER 37 CFR § 1.97(e)**

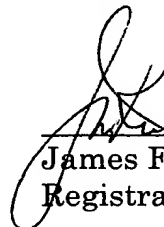
I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, the paper should be considered as a petition for consideration of the Information Disclosure Statement under 37 CFR §1.97(d)(2) and that the petition fee set forth in 37 CFR §1.17(i) in accordance with 37 CFR §1.97(d)(3) should be charged to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

October 27, 2003

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM/acd  
056203.42640RE

FORM PTO-1449	U.S. Department of Commerce Patent & Trademark Office	Attorney Docket No. 056203.42640RE	Serial No. 09/779,710
<b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>		Applicant: Yasuhiro KAMIMURA et al.	
		Filing Date February 9, 2001	Group 3747
October 27, 2003			

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						

FOREIGN PATENT DOCUMENTS								
Examiner Initial		Country	Document Number	Date	Class	Sub-Class	TRANSLATION	
							Yes	No
	AK	JP	5-231894	9/1993			Abstract	
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
	AQ	
	AR	
	AS	
	AT	
	AU	
	AV	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.	

PATENT

Att'y Docket: 381AS/42640RE

Inventor(s): YASUHIRO KAMIMURA ET AL

Serial No.: 09/779,710

Filing Date: FEBRUARY 9, 2001

Today's Date: September 23, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Submission of Third Supplemental Declaration, including Declaration

DUE DATE September 23, 2003

JEM/acd  
056203.42640RE

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

SUBMISSION OF THIRD SUPPLEMENTAL DECLARATION

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith, and responsive to the Interview Summary of August 26, 2003, is a Third Supplemental Declaration signed by the inventors of the present application.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

September 23, 2003

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JFM/acd

THIRD SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY  
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

AIR FLOW RATE CONTROL APPARATUS

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 CFR § 1.171 *et seq.*

We verily believe that, as provided in 37 CFR § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 21-53. For example, Claim 1 is unnecessarily limited to "a switching means for selectively disconnecting said driven means from said control valve" as well as "a detector," "a controller" and "an interface portion," features not specifically present in, for example, Claim 21. The assignee of this patent first discovered the error and the need for broadened claim coverage upon reviewing the patent as stated in the Declaration filed May 8, 2001.

The errors further include not claiming in Claims 1-20 the combinations of the motor-driven throttle valve element, the throttle sensor and the control circuit provided on or in a cover provided with a connector as an interface to the outside or ambient surroundings, as set forth in Claim 21, as well as the claims dependent thereupon, not claiming the combinations set forth in Claims 27, 35 and 40 as well as the claims dependent thereupon, such as the combination which includes the electrical connection aggregated into a single connector, the connector and terminal formed at the cover with the motor being electrically connected to the connector, and the cover accommodating the control circuit and forming a space together with the throttle body, respectively, and not claiming the combination set forth in Claims 47-53.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the applicants.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.



We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Filing Date	Priority Claimed
<u>07-004673</u>	<u>Japan</u>	<u>17 January 1995</u>	<u>Yes</u>
(Number)	(Country)	(Day/Month/Year)	
<u>07-006189</u>	<u>Japan</u>	<u>19 January 1995</u>	<u>Yes</u>
(Number)	(Country)	(Day/Month/Year)	

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u>	<u>November 24, 1997</u>	<u>U.S. Patent No. 5,868,114,</u>
(Application No.)	(Filing Date)	for which this is a reissue appln.
		(Status)

We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Crowell & Moring, L.L.P.  
P.O. Box 14300  
Washington, D.C. 20044-4300  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR:**

Citizenship:  
Post Office Address/

Residence:

Yasuhiro KAMIMURA

Japan  
511-11, Ichige  
Hitachinaka-shi,  
Japan

Sep. 2, 2003  
(date)

Yasuhiro Kamimura  
(signature of 1st inventor)

**INVENTOR:**

Citizenship:  
Post Office Address/

Residence:

Yasushi SASAKI

Japan  
1800-42, Hirano, Urizuramachi  
Naka-gun, Ibaraki-ken  
Japan

Sep. 5, 2003  
(date)

Yasushi Sasaki  
(signature of 2nd inventor)

**INVENTOR:**

Citizenship:  
Post Office Address/

Residence:

Sadayuki AOKI

Japan  
40, Takahamacho 3-chome  
Takahagi-shi  
Japan

Sep 2, 2003  
(date)

Sadayuki Aoki  
(signature of 3rd inventor)

**INVENTOR:**

Citizenship:  
Post Office Address/

Residence:

Kazuo NAGAYAMA

Japan  
209-6, Higashiishikawa  
Hitachinaka-shi  
Japan

Sep. 2, '03  
(date)

Kazuo Nagayama  
(signature of 4th inventor)

# Interview Summary

Application No.

09/779,710

Applicant(s)

KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

All participants (applicant, applicant's representative, PTO personnel):

(1) Willis R. Wolfe, Jr.

(3) \_\_\_\_\_

(2) James F. McKeown

(4) \_\_\_\_\_

Date of Interview: 26 August 2003

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant

2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1-53

Identification of prior art discussed: None

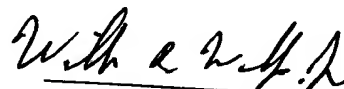
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In MPEP 1414, section II, a word or phrase from or lacking in the original claims needs to be stated. A substitute declaration needs to have the inventors signatures. Consent of the assignee is not necessary.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

17M



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

7590 08/15/2003

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

WOLFE JR, WILLIS RAY

ART UNIT PAPER NUMBER

3747

20

DATE MAILED: 08/15/2003

NOA Due: 9/23/03

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/779,710

Applicant(s)

KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 7-3-03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_
3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Willis R. Wolfe, Jr.*

Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit: 3747

## DETAILED ACTION

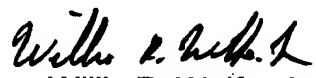
### *Oath/Declaration*

The reissue oath/declaration filed with this application is still defective because applicants have not pointed out an error in the original specification or claims. See 37 CFR 1.175(a)(1) and MPEP § 1414.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willis R. Wolfe, Jr. whose telephone number is (703) <sup>571-272-4855</sup> ~~308-1950~~. The examiner can normally be reached on 4/10 Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry C. Yuen can be reached on <sup>571-272-4856</sup> (703) ~~308-1946~~. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit 3747

WRW  
August 1, 2003

**PATENT**

**Att'y Docket:** 381AS/42640RE

**Inventor(s):** YASUHIRO KAMIMURA ET AL.

**Serial No.:** 09/779,710

**Filing Date:** FEBRUARY 9, 2001

**Today's Date:** July 3, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- X AFTER FINAL REPLY UNDER 37 C.F.R. § 1.116
- X Statement Under 37 C.F.R. § 373(b)
- X Consent of the Assignees (Corrected)

**DUE DATE**      September 23, 2003

JFM:ns  
056203.42640RE

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710                      Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001      Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

AFTER FINAL REPLY UNDER 37 C.F.R. § 1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is responsive to the Office Action mailed on or about June 23, 2003.

Applicants submit both a Statement Under 37 C.F.R. § 373(b) and a Consent of the Assignees (Corrected) in response to the objection under 37 C.F.R. § 1.172(a). Accordingly, ownership and consent have been appropriately established.

The objection to the Declaration and the rejection of Claims 1-51 under 35 U.S.C. § 251 are traversed, and reconsideration thereof is requested.

Applicants' original Declaration specified one error, namely, the fact that Applicants were claiming less than they had a right to claim in terms of the subject matter of added Claims 21-26. That is all which is required under 37 C.F.R. §

1.175(a). In the Second Supplemental Declaration, additional errors were enumerated.

Accordingly, early and favorable action in this application is now earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

July 3, 2003

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
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Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM:ns  
056203.42640RE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Hitachi, Ltd. and Hitachi Car Engineering Co., Ltd.Application No./Patent No.: 09/779,710 Filed/Issue Date: February 9, 2001Entitled: AIR FLOW RATE CONTROL APPARATUSHitachi, Ltd. and Hitachi Car Engineering Co., Ltd., both corporations

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

state that they are:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest. The extent (by percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded January 16, 1996 in the United States Patent and Trademark Office at Reel 7828, Frame 0896, and re-recorded at Reel 8731, Frame 0471, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the present application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to the Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

For HITACHI, LTD:

Feb. 6, 2003  
Date

Yasuo Sakuta  
Typed or printed name

Signature Yasuo SAKUTA, Patent Attorney

Title Executive Managing Director,  
Intellectual Property Group  
(Authorized Signing Officer)

For HITACHI CAR ENGINEERING CO., LTD.:

Feb. 18, 2003  
Date

SHUNICHI SHIINA  
Typed or printed name

Signature  
President

Title

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

CONSENT OF ASSIGNEES (CORRECTED)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Hitachi, Ltd. and Hitachi Car Engineering Co., Ltd., both of Japan and assignees of the undivided entire right, title and interest in and to U.S. Letters Patent No. 5,868,114 by virtue of an Assignment recorded January 16, 1996 in the United States Patent and Trademark Office at Reel 7828, Frame 0896, and re-recorded at Reel 8731, Frame 0471, hereby consent to the filing of the application for reissue of said patent in accordance with 37 CFR § 1.172.

For HITACHI, LTD:

Feb. 6, 2003  
Date

  
Signature

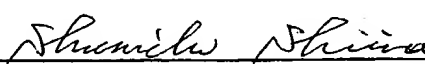
Typed or printed name

Yasuo SAKUTA, Patent Attorney  
Executive Managing Director,  
Intellectual Property Group  
(Authorized Signing Officer)

Title

For HITACHI CAR ENGINEERING CO., LTD.:

Feb. 18, 2003  
Date

  
Signature

SHUNICHI SHINA

Typed or printed name

President

Title



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

7590 06/23/2003

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

WOLFE JR, WILLIS RAY

ART UNIT	PAPER NUMBER
----------	--------------

3747

18

DATE MAILED: 06/23/2003

FOA/NOA due 9/23/03

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/779,710

Applicant(s)

KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Reissue Applications***

This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a). The assignee's ownership interest is established by:

(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

It would be acceptable for a person, other than a recognized officer, to execute a submission establishing ownership interest, provided the record for the application includes a statement that the person is empowered to sign a submission establishing ownership interest and/or act on behalf of the assignee.

Accordingly, a new submission establishing ownership interest which includes such a statement above, will be considered to be executed by an appropriate official of the assignee. A separately filed paper referencing the previously filed submission establishing ownership interest and containing a proper empowerment statement would also be acceptable.

*Reissue Oath/Declaration*

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See



37 CFR 1.175(a)(1) and MPEP § 1414. In identifying the error, it is sufficient that the reissue oath/declaration identify a single word, phrase, or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid. Applicants must clearly state one error from the original patent by specifically stating the word or words added or deleted that renders the original patent wholly or partly inoperative or invalid.

Claims 1-53 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

### ***Response to Arguments***

Applicant's arguments filed March 5, 2003 have been fully considered but they are not persuasive. The substitute declaration filed November 1, 2002 does not meet the requirements of 37 CFR 1.175(a)(1) by clearly specifying one error. There is neither a proper assignment paper nor a proper consent form in the application.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willis R. Wolfe, Jr. whose telephone number is (703) 308-1950. The examiner can normally be reached on 4/10 Monday off. For specific questions about reissue applications and/or complying with the requirements, all telephone calls should be directed to Linda Sholl whose telephone number is (703) 308-1288.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis G. Mancene can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

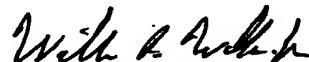
Application/Control Number: 09/779,710

Page 6

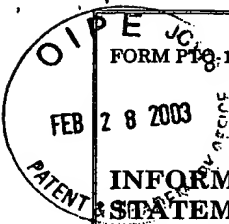
Art Unit: 3747

872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit 3747

WRW  
May 13, 2003

 FORM PTO-1449 U.S. Department of Commerce Patent & Trademark Office	Attorney Docket No. 381AS/42640RE	Serial No. 09/779,710
	Applicant: Yasuhiro KAMIMURA, et al.	
	Filing Date February 9, 2001	Group 3747

**INFORMATION DISCLOSURE STATEMENT**  
 (Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						

RECEIVED  
 MAR 04 2003  
 TECHNOLOGY CENTER R3700

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	TRANSLATION	
							Yes	No
h.m.	AK	9032588	02/1997	Japan	—	—	Abstract	
	AL							
	A							
	M							
	AN							
	AO							
	AP							

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AQ						
	AR						
	AS						

EXAMINER W.H.S. W.H.L.

DATE CONSIDERED 4/3/03

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

**PATENT**

Att'y Docket: 381AS/42640RE

Inventor(s): YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710

Filing Date: FEBRUARY 9, 2001

Today's Date: March 5, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Reply

DUE DATE March 11, 2003

JFM:ast  
056203.42640RE

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710                      Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001      Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

REPLY

**Box**  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following is responsive to the Office Action mailed on or about December 11, 2002.

Applicants submitted a Second Supplemental Declaration on November 1, 2002, which Declaration is fully compliant with 37 CFR § 1.175 (a)(1). We note that the receipt of the Second Supplemental Declaration was not acknowledged. The rejection of Claims 1-53 under 35 U.S.C. § 251 is thus traversed, and reconsideration of that rejection is requested.

Applicants submit herewith an executed Statement under 37 CFR § 3.73(b) and a Consent of the Assignees (Corrected). The objective under 37 CFR § 1.172(a) has thus been addressed.

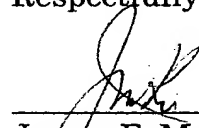
Early and favorable action in this application is now earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

March 5, 2003



---

James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM:ast  
056203.42640RE

**PATENT**

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: February 28, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Information Disclosure Statement including PTO-1449  
☒ Check No. 244409 in the amount of \$180.00  
\_\_\_\_\_  
\_\_\_\_\_

DUE DATE February 28, 2003

JFM/bmf

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

**CROWELL & MORING LLP**  
VENDOR: 04815

Commissioner of Patents and Trademarks - DC 20231

REF #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	Check No.: 244409	AMT. PAID
112080	0227-28	02/27/03	180.00	056203.42640RE BF		180.00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710                      Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001      Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

An English abstract of the Japanese Patent document is submitted herewith.

The present Information Disclosure Statement is being filed without a Certification under 37 CFR §1.97(e) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action or Notice of Allowance (whichever is earlier), and therefore a check for the fee of \$180.00 under 37 CFR §1.17(p) is attached. Please

charge any necessary fee or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 05-1323.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, the paper should be considered as a petition for consideration of the Information Disclosure Statement under 37 C.F.R. §1.97(d)(2) and that the petition fee set forth in 37 C.F.R. §1.17(i) in accordance with 37 C.F.R. §1.97(d)(3) should be charged to Deposit Account No. 05-1323 (Docket 381AS/42640RE).

Respectfully submitted,

February 28, 2003

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

FORM PTO-1449 U.S. Department of Commerce Patent & Trademark Office  <b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>	Attorney Docket No. 381AS/42640RE	Serial No. 09/779,710
	Applicant: Yasuhiro KAMIMURA, et al.	
	Filing Date February 9, 2001	Group

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						

FOREIGN PATENT DOCUMENTS								
Examiner Initial		Document Number	Date	Name	Class	Sub- Class	TRANSLATION	
							Yes	No
	AK	9032588	02/1997	Japan			Abstract	
	AL							
	A M							
	AN							
	AO							
	AP							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	AQ						
	AR						
	AS						

<b>EXAMINER</b> EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.	<b>DATE CONSIDERED</b>
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17M



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

7590 12/11/2002

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER

WOLFE JR, WILLIS RAY

ART UNIT PAPER NUMBER

3747

DATE MAILED: 12/11/2002 V 14

*OA Response Due: 3/11/03*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/779,710

Applicant(s)

KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☒ Other: PTO/SB/96.

**DETAILED ACTION**

***Reissue Applications***

This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a). The assignee's ownership interest is established by:

(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

Art Unit: 3747

This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

It would be acceptable for a person, other than a recognized officer, to execute a submission establishing ownership interest, provided the record for the application includes a statement that the person is empowered to sign a submission establishing ownership interest and/or act on behalf of the assignee.

Accordingly, a new submission establishing ownership interest which includes such a statement above, will be considered to be executed by an appropriate official of the assignee. A separately filed paper referencing the previously filed submission establishing ownership interest and containing a proper empowerment statement would also be acceptable. Please see attached copy of PTO/SB/96.

*Reissue Oath/Declaration*

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See

Art Unit: 3747

37 CFR 1.175(a)(1) and MPEP § 1414. In identifying the error, it is sufficient that the reissue oath/declaration identify a single word, phase, or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid. Applicants must clearly state one error from the original patent by specifically stating the word or words added or deleted that renders the original patent wholly or partly inoperative or invalid.

Claims 1-53 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willis R. Wolfe, Jr. whose telephone number is (703) 308-1950. The examiner can normally be reached on 4/10 Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis G. Mancene can be reached on (703) 308-1946. The fax phone



Art Unit: 3747

numbers for the organization where this application or proceeding is assigned are (703)

872-9302 for regular communications and (703) 872-9303 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit 3747

WRW  
November 26, 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: \_\_\_\_\_

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Entitled: \_\_\_\_\_

\_\_\_\_\_, a \_\_\_\_\_,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**PATENT**

**Att'y Docket:** 381AS/42640RE

**Today's Date:** November 1, 2002

**Inventor(s):** YASUHIRO KAMIMURA ET AL.

**Serial No.:** 09/779,710

**Filing Date:** FEBRUARY 9, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Supplemental Reply, including Second Supplemental Declaration and Power of Attorney  
and Assignee's Consent

DUE DATE N/A

JFM/acd  
056203.42640RE

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

SUPPLEMENTAL REPLY

Commissioner for Patents  
Washington, D.C. 20231

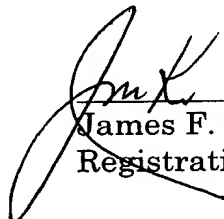
Sir:

Supplemental to the Reply filed August 30, 2002, submitted herewith is a Second Supplemental Declaration and Power of Attorney and Assignee's Consent.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

November 1, 2002

  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM/acd  
056203.42640RE

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT

SECOND SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY  
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

**AIR FLOW RATE CONTROL APPARATUS**

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 21-46. The assignee of this patent discovered the error and the need for broadened claim coverage upon reviewing the patent as stated in the Declaration filed May 8, 2001.

The errors include not claiming the combinations of the motor-driven throttle valve element, the throttle sensor and the control circuit provided on or in a cover provided with a connector as an interface to the outside or ambient surroundings, as set forth in Claim 21, as well as the claims dependent thereupon. Similarly, the errors include not claiming the combinations set forth in Claims 27, 35, 40, 47, 48, 49, 50, 51, 52 and 53, as well as the claims dependent thereupon. An error included not claiming the combination which includes the electrical connection aggregated into a single connector, the connector and terminal formed at the cover with the motor being electrically connected to the connector, and the cover accommodating the control circuit and forming a space together with the throttle body, respectively.

Any errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the applicants.

We continue to offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the  
tion of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
<u>07-004673</u> (Number)	<u>Japan</u> (Country)
<u>17 January 1995</u> (Day/Month/Year)	<u>Yes</u>
<u>07-006189</u> (Number)	<u>Japan</u> (Country)
<u>19 January 1995</u> (Day/Month/Year)	<u>Yes</u>

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u> (Application Serial No.)	<u>November 24, 1997</u> (Filing Date)	<u>U.S.P. 5,868,114</u> <u>for which this is</u> <u>reissue appln.</u> (patented Feb. 9, 1999).
--	---	---

We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Crowell & Moring, L.L.P.  
P.O. Box 14300  
Washington, D.C. 20044-4300  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR:  
Citizenship:

Yasuhiro KAMIMURA  
Japan

Postal Address/Residence:

511-11, Ichige,  
Hitachinaka-shi, Japan

Oct. 2, 2002

Date

Yasuhiro Kamimura  
Signature of 1<sup>st</sup> inventor

INVENTOR:  
Citizenship:

Yasushi SASAKI  
Japan

Postal Address/Residence:

1800-42, Hirano, Urizuramachi,  
Naka-gun,  
Ibaraki-Ken, Japan

Sep. 26, '02

Date

Yasushi Sasaki  
Signature of 2<sup>nd</sup> inventor

INVENTOR:  
Citizenship:

Sadayuki AOKI  
Japan

Postal Address/Residence:

40, Takahamacho-3-chome  
Takahagi-shi, Japan

Sep. 26, 2002  
Date

Sadayuki Aoki  
Signature of 3<sup>rd</sup> inventor

INVENTOR:  
Citizenship:

Kazuo NAGAYAMA  
Japan

Postal Address/Residence:

209-6, Higashiishikawa,  
Hitazhinaka-shi, Japan

Sep. 27, 2002  
Date

Kazuo Nagayama  
Signature of 4<sup>th</sup> inventor

ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,868,114, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

Hitachi, Ltd. Japan

October 4, 2002  
Date

By: \_\_\_\_\_

Yasuo Sakuta  
Yasuo SAKUTA, Patent Attorney  
Typed Name: Executive Managing Director,  
Intellectual Property Group  
Title: (Authorized Signing Officer)



**PATENT**

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: August 30, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Reply, including Letters Patent No. 5,868,114  
☒ Change of Correspondence Address

DUE DATE October 20, 2002

JFM/acd  
56203.228

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

REPLY

**Box NON-FEE AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following is responsive to the Office Action mailed on or about August 20, 2002.

IN THE CLAIMS:

Amend Claim 25 as follows:

25. (Twice amended) An apparatus according to claim 21, wherein said connector is including an output terminal of said throttle sensor and an input terminal for the connection to an external power supply.

REMARKS

Applicants herewith surrender original Letters Patent No. 5,868,114.

Assignee's ownership interest is established at Reel 8731, Frame 0471 as recorded on 01/16/1996 in the records of the U.S. Patent and trademark Office Assignment Division.

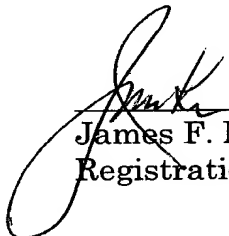
Early issuance of this application is now in order.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

August 30, 2002

  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM/acd  
56203.228

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710

Group Art Unit: 3747

Filed: FEBRUARY 9, 2001

Examiner: WILLIS WOLFE

Title: AIR FLOW RATE CONTROL APPARATUS

CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is to advise of a change of address for the undersigned attorneys and the forwarding of mail with regard to the matter identified in caption, as follows:

**Please address all future correspondence to:**


**CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, D.C. 20044-4300**

**Please direct all telephone and facsimile calls to:**

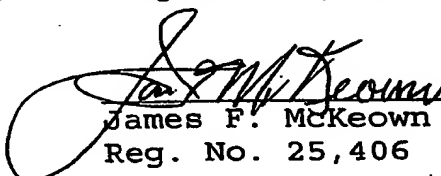
**Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-5116**


The signed original notification of this change of address, bearing the original signatures on this

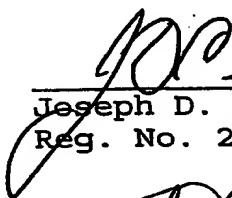
file in the U.S. Patent and Trademark Office, at the Office of Enrollment & Discipline for inspection.

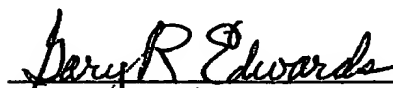
  
Herbert I. Cantor  
Reg. No. 24,392


Respectfully submitted,

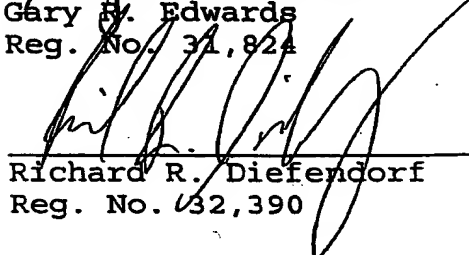
  
James F. McKeown  
Reg. No. 25,406

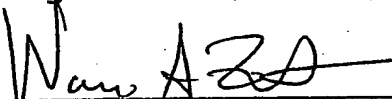
  
Donald D. Evenson  
Registration No. 26,160


  
Joseph D. Evans  
Reg. No. 26,269

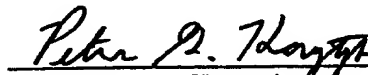
  
Gary B. Edwards  
Reg. No. 31,824

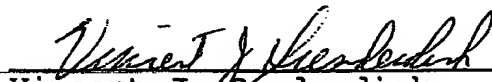
  
Jeffrey D. Sanek  
Reg. No. 32,169

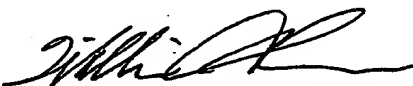
  
Richard R. Diefendorf  
Reg. No. 32,390


  
Warren A. Zitlau  
Reg. No. 39,085

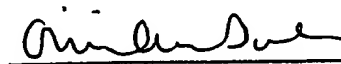
  
Michael I. Coe  
Reg. No. 40,958

  
Peter G. Korytnyk  
Reg. No. 43,400

  
Vincent J. Sunderdick  
Reg. No. 29,004

  
William G. Ackerman  
Reg. No. 45,320

  
Karen Canaan  
Reg. No. 42,382

  
Olivia A. Tolan  
Reg. No. 45,161

Washington, D.C.  
May 1, 2001  
Ref.2156/02474

The  
United  
States  
of  
America



The Commissioner of  
Patents and Trademarks

*Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.*

*Therefore, this*

United States Patent

*Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America for the term set forth below, subject to the payment of maintenance fees as provided by law.*

*If this application was filed prior to June 8, 1995, the term of this patent is the longer of seventeen years from the date of grant of this patent or twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.*

*If this application was filed on or after June 8, 1995, the term of this patent is twenty years from the U.S. filing date, subject to any statutory extension. If the application contains a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121 or 365(c), the term of the patent is twenty years from the date on which the earliest application was filed, subject to any statutory extension.*

*J. Todd Johnson*

Acting Commissioner of Patents and Trademarks

*Allie M. Person*  
Attest

1194-02654  
US2  
No. 5868114



## Kamimura et al.

[45] **Date of Patent:** **Feb. 9, 1999**

[22] Filed: Nov. 24, 1997

JFM



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE	6719

7590

08/20/2002

James F McKeown  
Everson McKeown Edwards & Lenahan PLLC  
Suite 700  
1200 G Street NW  
Washington, DC 20005-3814

EXAMINER

WOLFE JR, WILLIS RAY

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 08/20/2002

OA Resp. Due: 10/20/02

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/779,710

Applicant(s)

KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-53 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Reissue Applications*

This application is in condition for allowance except for the following formal matters:

This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a). The assignee's ownership interest is established by:

(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

Art Unit: 3747

The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

In claim 25, line 1, "preceding claims]" should be changed to -- preceding claim --.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

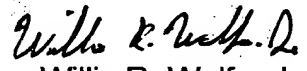
Claims 1-53 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willis R. Wolfe, Jr. whose telephone number is (703) 308-1950. The examiner can normally be reached on 4/10 Monday off.

Art Unit: 3747

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis G. Mancene can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit 3747

WRW  
August 20, 2002

**PATENT**

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: April 22, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Reply Under 37 CFR § 1.111
- ☒ Supplemental Declaration and Power of Attorney
- ☒ Petition for Extension of Time (three months)
- ☒ Change of Correspondence Address
- ☒ Check No. 227992 in the amount of \$920.00

DUE DATE April 22, 2002

JFM/acd  
56203.228

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

**CROWELL & MORING LLP**

**DETACH AND RETAIN THIS STATEMENT**

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

**227992**

pext 920.00 42640re ad

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

Commissioner for Patents  
Washington, D.C. 20231

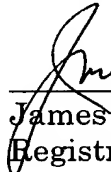
Sir:

Applicant hereby requests that the period to take action in the above-captioned application be extended by three months pursuant to the provisions of 37 C.F.R. 1.136(a).

A check in the amount of \$920.00 is submitted herewith in payment of the required extension fee. This amount is believed to be correct, however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 05-1323 (Docket #381AS/42640RE). A duplicate copy of this letter is attached.

Respectfully submitted,

April 22, 2002

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

JFM/acd  
56203.228

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710 Group Art Unit: 3747  
Filed: FEBRUARY 9, 2001 Examiner: WILLIS WOLFE  
Title: AIR FLOW RATE CONTROL APPARATUS

REPLY UNDER 37 CFR § 1.111

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following is responsive to the Office Action dated October 22, 2001.

IN THE CLAIMS:

Please add the following claims:

47. (New) An airflow rate control apparatus comprising:

a throttle valve element,

a body for mounting the throttle valve element,

a motor being mounted within said body for driving the throttle valve element,

a throttle sensor mounted separately from the motor for detecting an opening degree of said throttle valve element, and

a cover means to form a space together with the body, said throttle sensor being located in the space, wherein

the airflow rate control apparatus further comprises a connector into which electrical connections of the motor and the throttle sensor, respectively, are aggregated.

48. (New) A motor driven throttle valve system comprising:  
a throttle body in which a throttle valve is mounted,  
a motor for driving said throttle valve via a throttle shaft,  
a recess portion formed adjacently to said throttle valve in said throttle body for accommodating said motor so that an axis of the motor is parallel with said throttle shaft,

a position sensor provided on one end of said throttle shaft for detecting a rotational displacement of said throttle shaft, and

a cover member attached to said throttle body at the one end side of said throttle shaft to form a space together with the throttle body for accommodating electric lead lines of said motor and said position sensor, from which the electric lead lines extend out of the system, wherein

said position sensor is disposed in said space, and

said recess portion is connected with said space through a hole by which the electric lead lines of the motor is allowed to extend to the space.

49. (New) An airflow rate control apparatus comprising a throttle valve element driven by a motor, a throttle sensor for detecting an opening degree of said throttle valve element, and a cover means attached to a body for



accommodating the throttle sensor in a space formed by the cover means and the body, wherein

the cover means is provided with a connector, and the motor is electrically connected to the external through said connector.

50. (New) An airflow rate control apparatus comprising a throttle valve element driven by a motor, a throttle sensor for detecting an opening degree of said throttle valve element, and a control unit including a control circuit for the motor, wherein

the control unit is provided within a cover means provided with a connector as an interface to the external, the cover means forming a space together with a throttle body for accommodating the throttle sensor in the space.

51. (New) An air flow rate control apparatus comprising:  
a throttle valve;  
a throttle body supporting the throttle valve;  
a motor for driving the throttle valve;  
a sensor for detecting an opening degree of the throttle valve; and  
a control unit attached to said throttle body, on which a microcomputer is mounted for controlling said motor, wherein

said control unit comprises an electrical terminal to which said sensor is connected, an electrical terminal to which said motor is connected, and a connector for the connection to the external, the electrical terminals being

electrically connected to the microcomputer, the microcomputer being connected to the external through the connector.

52. (New) An air flow rate control apparatus comprising:

a throttle valve;

a throttle body in which said throttle valve is mounted;

a cover member fixed to said throttle body through a sealing member disposed therebetween, the cover member forming a space together with said throttle body;

a sensor disposed in said space for detecting an opening degree of said throttle valve; and

a hole connecting said space with the external space of the apparatus.

53. (New) An air flow rate control apparatus comprising:

a throttle valve;

a throttle body in which a motor is mounted for driving said throttle valve;

a cover member fixed to said throttle body through a sealing member disposed therebetween, the cover member forming a space together with said throttle body;

a sensor disposed in said space for detecting an opening degree of said throttle valve;

a control unit disposed in said space for controlling said motor; and

a hole connecting said space with the external space of the apparatus.

## REMARKS

Applicants attach a Supplemental Declaration and Assignee's Consent to address the objections raised at page 2 of said Office Action. The surrender of the original Letters Patent will be addressed upon the indication of allowable subject matter.

The rejection of Claims 27, 29-31, 35, 37, 40 and 42-44 (but not of Claims 1-26, 28, 32-34, 36, 38, 39, 41, 45 and 46) as being unpatentable over VDO under 35 USC § 103(a) is traversed, and reconsideration is requested.

The Office Action does not set forth a *prima facie* case of obviousness by merely asserting an "obvious matter of design choice." As noted in In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002), such an assertion is not the specialized knowledge and expertise contemplated by the Administrative Procedures Act and does not fulfill the PTO's obligation. Reasoned findings are critical to that end.

Moreover, applicants have noted that the apparatus shown in Figs. 7 and 10 of the VDO document does not include a throttle valve element. The apparatus may not even contemplate a throttle sensor for detecting an opening degree of the throttle valve. In other words, the apparatus shown in Figs. 7 and 10 is not integrated with a throttle valve element and a throttle sensor. The airflow rate control apparatus of the present invention includes a motor, a throttle sensor located within a body, and a throttle valve element mounted on the body.

In Fig. 19 of the VDO document, a connector of the sensor 8 is connected with the element 3, and a connector of the motor 7 is connected with element 6.

Thus, the connectors of the sensor 8 and the motor 7 cannot be integrated into a single connector. Accordingly, it would be impossible in the VDO arrangement to provide a single connector into which electrical connections of a motor and a throttle sensor, respectively, are aggregated.

Fig. 19 of the VDO document also discloses a unit including a motor and a sensor. This unit is, however, separately assembled from a throttle body. Thus, it would be impossible, here too, to provide a cover means provided with a connector on an outside surface thereof, to which connector a motor is electrically connected, the cover means being attached to a throttle body.

The control unit disclosed in the VDO document is also separated from a throttle body. Accordingly, it would be impossible to provide an air flow rate control apparatus comprising a control circuit accommodated on or in a cover means attached to a throttle body.

Accordingly, all of the claims, including new claims 47-53, patentably define over the VDO document. The new claims also are submitted for at least some of the reasons set forth in the attached Supplemental Declaration in relation to Claims 27, 35 and 40. No new matter or recapture is presented thereby.

Accordingly, early allowance is requested.

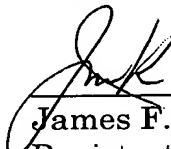
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit  
Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

April 22, 2002

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

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in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

Crowell & Moring, L.L.P.  
P.O. Box 14300  
Washington, D.C. 20044-4300  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR:**  
Citizenship:

Yasuhiro KAMIMURA  
Japan

Postal Address/Residence:

511-11, Ichige,

Hitachinaka-shi, Japan

07/25 / 2001

Date

Yasuhiro Kamimura  
Signature of 1<sup>st</sup> inventor

**INVENTOR:**  
Citizenship:

Yasushi SASAKI  
Japan

Postal Address/Residence:

1800-42, Hirano, Urizuramachi, Naka-gun,

Ibaraki-Ken, Japan

8/13/2001

Date

Yasushi Sasaki  
Signature of 2<sup>nd</sup> inventor

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT - REISSUE DECLARATION  
Page 4

**INVENTOR:**

Citizenship:

Postal Address/Residence:

Sadayuki AOKI  
Japan

40, Takahamacho-3-chome

Takahashi-shi, Japan

08/21/2001

Date

*Sadayuki Aoki*  
Signature of 3<sup>rd</sup> inventor

**INVENTOR:**

Citizenship:

Postal Address/Residence:

Kazuo NAGAYAMA  
Japan

209-6, Higashiishikawa,

Hitachinaka-shi, Japan

07/25/2001

Date

*Kazuo Nagayama.*  
Signature of 4<sup>th</sup> inventor



ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,868,114, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

Hitachi, Ltd. Japan

8/27/2001  
Date

By:

Yasuo Sakuta

Yasuo SAKUTA, Patent Attorney  
Executive Managing Director,  
Intellectual Property Group  
(Authorized Signing Officer)

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710

Group Art Unit: 3747

Filed: FEBRUARY 9, 2001

Examiner: WILLIS WOLFE

Title: AIR FLOW RATE CONTROL APPARATUS

CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is to advise of a change of address for the undersigned attorneys and the forwarding of mail with regard to the matter identified in caption, as follows:

Please address all future correspondence to:

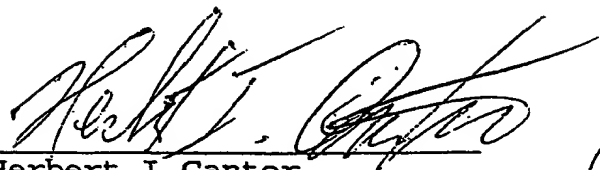
CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, D.C. 20044-4300


Please direct all telephone and facsimile calls to:

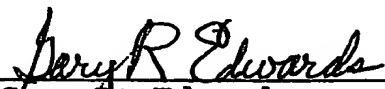
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-5116

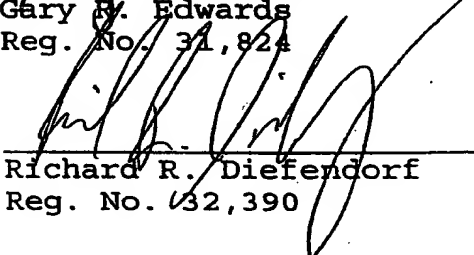
The signed original notification of this change of address, bearing the original signatures on this


file in the U.S. Patent and Trademark Office, at the Office of  
Enrollment & Discipline for inspection.

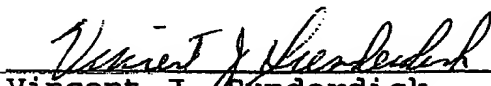
  
Herbert I. Cantor  
Reg. No. 24,392


  
Donald D. Evenson  
Registration No. 26,160

  
Gary R. Edwards  
Reg. No. 31,824

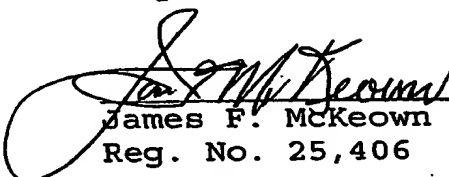
  
Richard R. Diefendorf  
Reg. No. 32,390

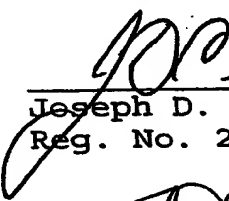
  
Michael I. Coe  
Reg. No. 40,958


  
Vincent J. Sunderdick  
Reg. No. 29,004

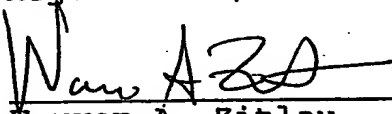
  
Karen Canaan  
Reg. No. 42,382

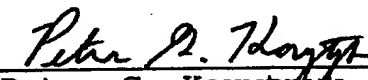
Respectfully submitted,


  
James F. McKeown  
Reg. No. 25,406

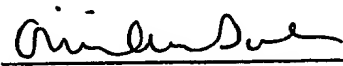
  
Joseph D. Evans  
Reg. No. 26,269

  
Jeffrey D. Sane  
Reg. No. 32,169

  
Warren A. Zitlau  
Reg. No. 39,085

  
Peter G. Korytnyk  
Reg. No. 43,400

  
William G. Ackerman  
Reg. No. 45,320

  
Olivia A. Tolan  
Reg. No. 45,161

Washington, D.C.  
May 1, 2001  
Ref. 2156/02474

FM



56203.228  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/779,710 02/09/01 KAMIMURA

Y

381AS/42640RT

QM02/1022

JAMES F MCKEOWN  
EVERSON MCKEOWN EDWARDS & LENAHAH PLLC  
SUITE 700  
1200 G STREET NW  
WASHINGTON DC 20005-3814

EXAMINER

WOLFE JR, W

ART UNIT

PAPER NUMBER

3747

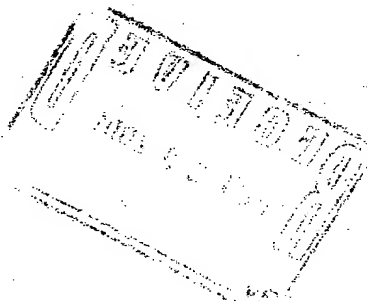
DATE MAILED:

10/22/01

*OA Response Due: 1/22/02*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks





**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

SD

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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8

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit: 3747

**Office Action Summary**

Application No.

09/779,710

Applicant(s)

KAMIMURA ET AL

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/969,708.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 6.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3747

## **DETAILED ACTION**

### ***Reissue Applications***

#### ***Oath/Declaration***

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

Claims 1-46 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 27, 29-31, 35, 37, 40 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over VDO Querschnitt 2. VDO Querschnitt 2 discloses the claimed invention in Figures 7, 10 and 19 except for the connector and terminal mounted on the cover. It would have been an obvious matter of design choice to provide a connector and terminal mounted on the cover since applicant has not disclosed that solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a connector and terminal as such is well known in the electrical art.




Art Unit: 3747

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willis R. Wolfe, Jr. whose telephone number is (703) 308-1950. The examiner can normally be reached on 4/10 Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry C. Yuen can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7766 for regular communications and (703) 308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Willis R. Wolfe, Jr.  
Primary Examiner  
Art Unit 3747

WRW  
October 19, 2001



U.S. Department of Commerce Patent & Trademark Office	Atty. Docket No. 381AS/42640RE	Serial No. 09/779,710
	Applicant: Yasuhiro KAMINURA, et al.	
	Filing Date: February 9, 2001	Group: <del>Unassigned</del> 3747

**INFORMATION DISCLOSURE STATEMENT**  
(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA						
	AB						
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	AD						
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		Document	Date	Country	Class	Sub-class	Translation Yes   No
	AG						
	AH						
	AI						
	AJ						

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

2.1.	AK	(D2) VDO Querschnitt 4 (March 1981) (Abstract)
2.2.	AL	(D3) VDO Querschnitt 2 (May 1979) (No translation or abstract)
2.2.	AM	European Office Action dated 4/4/01

EXAMINER <i>W: H. R. Wolfe.</i>	DATE CONSIDERED <i>10/19/01</i>
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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JUN 25 2001

TECHNOLOGY CENTER R3700

JUN 29 2001

Sheet 1 of 1

Form PTO-1449

U.S. Department of Commerce  
Patent & Trademark Office

Atty. Docket No.  
381AS/42640RE

Serial No. 09/779,710

Applicant: Yasuhiro KAMIMURA et al.

**INFORMATION DISCLOSURE STATEMENT**  
(Use several sheets if necessary)

Filing Date:  
February 9, 2001

Group: ~~Unassigned~~  
**3747**

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
22	AA	5,672,818	9/30/97	Schaefer et al.	73	118.2	7/12/96
22	AB	5,092,296	3/3/92	Günter et al.	123	337	8/10/90 (PCT filing date)
	AC						
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	AF						
	AG						

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JUL 12 2001

TECHNOLOGY CENTER R3700

FOREIGN PATENT DOCUMENTS

		Document	Date	Country	Class	Sub-class	Translation Yes   No
22	AH	WO 91/02891	3/7/91	Europe	—	—	Abstract
	AI						
	AJ						
	AK						
	AL						
	AM						

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AN	
	AO	
	AP	

EXAMINER

Willis R. Wolfe

DATE CONSIDERED

10/19/01

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

**Notice of References Cited**

Application/Control No.

09/779,710

Applicant(s)/Patent Under  
Reexamination  
KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

Page 1 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
*	A	US-4,840,349 A	06-1989	Peter et al	251	129.11
*	B	US-5,036,816 A	08-1991	Mann	123	399
*	C	US-5,074,266 A	12-1991	Kuhn et al	123	399
*	D	US-5,094,212 A	03-1992	Kawaguchi et al	123	470
*	E	US-5,141,070 A	08-1992	Hickmann et al	180	197
*	F	US-5,297,521 A	03-1994	Sasaki et al	123	396
*	G	US-5,431,141 A	07-1995	Kanazawa et al	123	399
*	H	US-5,452,697 A	09-1995	Sasaki et al	123	399
*	I	US-5,490,487 A	02-1996	Kato et al	123	399
*	J	US-5,517,966 A	05-1996	Kanazawa et al	123	396
	K	US-				
	L	US-				
	M	US-				

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
*	N	EP-315,794-A3	05-1989	EPO	_____	-	-
*	O	EP-317,813-A3	05-1989	EPO	_____	-	-
*	P	EP-596,392-A1	05-1994	EPO	_____	-	-
*	Q	DE-3,405,935-A1	05-1985	Germany	_____	-	-
*	R	JP-61-8,441	01-1986	Japan	_____	-	-
*	S	JP-3-50,338	03-1991	Japan	_____	-	-
*	T	JP-62-35,334	08-1994	Japan	_____	-	-

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Notice of References Cited**

Application/Control No.

09/779,710

Applicant(s)/Patent Under  
Reexamination  
KAMIMURA ET AL.

Examiner

Willis R. Wolfe, Jr.

Art Unit

3747

Page 2 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-				
	B	US-				
	C	US-				
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	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
*	N	WO-91/02,890-A1	03-1991	WIPO	_____	—	—
	O						
	P						
	Q						
	R						
	S						
	T						

**NON-PATENT DOCUMENTS**

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	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP, § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PATENT

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: June 29, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Supplemental Information Disclosure Statement, Form PTO-1449, three references

DUE DATE n/a

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 628-8800

JFM:wib

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuhiro KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit: Unassigned

Filed: FEBRUARY 9, 2001                      Examiner: Unassigned

Title: AIR FLOW RATE CONTROL APPARATUS

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

June 29, 2001

Sir:

This supplements the Information Disclosure Statement submitted in the above-identified application on 6/21/2001.

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

An English abstract summarizing the disclosures of Patent publication No. WO 91/02891 is submitted herewith.

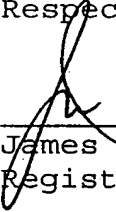
The present Information Disclosure Statement is being filed (1) no later than three months from the application's filing date or (2) before the mailing date of the first Office Action on the merits (whichever is later), and therefore no certification under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. In this connection, we note that the effective filing date of U.S. Patent No. 5,672,818 does not qualify that document as prior art. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, the paper should be considered as a petition for consideration of the Information Disclosure Statement under 37 C.F.R. §1.97(d)(2) and that the petition fee set forth in 37 C.F.R. §1.17(i) in accordance with 37 C.F.R. §1.97(d)(3) should be charged to Deposit Account No. 05-1323 (Docket 381AS/42640RE).

Respectfully submitted,

June 29, 2001

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

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Telephone No.: (202) 628-8800  
Facsimile No.: (202) 628-8844

JFM:wib



<b>Form PTO-1449</b> U.S. Department of Commerce Patent & Trademark Office		Atty. Docket No. 381AS/42640RE		Serial No. 09/779,710	
<b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>		Applicant: Yasuhiro KAMIMURA et al.			
		Filing Date: February 9, 2001		Group: Unassigned	

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA	5,672,818	9/30/97	Schaefer et al.	73	118.2	7/12/96
	AB	5,092,296	3/3/92	Günter et al.	123	337	8/10/90 (PCT filing date)
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FOREIGN PATENT DOCUMENTS							
		Document	Date	Country	Class	Sub-class	Translation Yes   No
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
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<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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<b>EXAMINER:</b>	Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.
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Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuhiro KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit: Unassigned

Filed: FEBRUARY 9, 2001                      Examiner: Unassigned

Title: AIR FLOW RATE CONTROL APPARATUS

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**UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

June 29, 2001

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An English abstract summarizing the disclosures of Patent publication No. WO 91/02891 is submitted herewith.

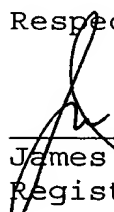
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Respectfully submitted,

June 29, 2001

  
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JFM:wib

<b>Form PTO-1449</b> U.S. Department of Commerce Patent & Trademark Office		Atty. Docket No. 381AS/42640RE		Serial No. 09/779,710	
<b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>		Applicant: Yasuhiro KAMIMURA et al.			
		Filing Date: February 9, 2001		Group: Unassigned	

U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
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Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuhiro KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit: Unassigned

Filed: FEBRUARY 9, 2001                      Examiner: Unassigned

Title: AIR FLOW RATE CONTROL APPARATUS

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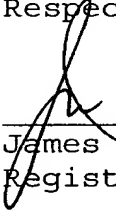
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JFM:wib

<b>Form PTO-1449</b> U.S. Department of Commerce Patent & Trademark Office  <b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>		Atty. Docket No. 381AS/42640RE	Serial No. 09/779,710
		Applicant: Yasuhiro KAMIMURA et al.	
		Filing Date: February 9, 2001	Group: Unassigned

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/779,710	02/09/2001	3747	1028	381AS/42640RE	6	26	8

CONFIRMATION NO. 6719

## UPDATED FILING RECEIPT



\*OC00000006141838\*

James F McKeown  
Everson McKeown Edwards & Lenahan PLLC  
Suite 700  
1200 G Street NW  
Washington, DC 20005-3814

Date Mailed: 06/04/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Yasuhiro Kamimura, Hitachinaka-shi, JAPAN;  
Yasushi Sasaki, Ibaraki-Ken, JAPAN;  
Sadayuki Aoki, Takahagi-shi, JAPAN;  
Kazuo Nagayama, Hitazhinaka-shi, JAPAN;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A REI OF 08/969,708 11/24/1997 PAT 5,868,114  
WHICH IS A CON OF 08/583,794 01/16/1996 ABN

## Foreign Applications

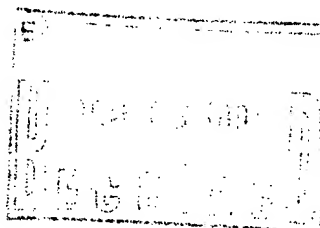
JAPAN 7-004673 01/19/1995  
JAPAN 7-006189 01/19/1995

If Required, Foreign Filing License Granted 03/07/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No





**Title**

Air flow rate control apparatus

**Preliminary Class**

123

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**Data entry by :** CHADWICK, YOLANDA

**Team :** 1600

**Date:** 06/04/2001



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

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**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

PATENT

Att'y Docket: 381AS/42640RE Today's Date: July 25, 2001  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Preliminary Amendment w/Version With Markings To Show Changes Made

DUE DATE ASAP

JFM/rrt

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 628-8800

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit: Unassigned

Filed: FEBRUARY 9, 2001                      Examiner: Unassigned

Title: AIR FLOW RATE CONTROL APPARATUS

SECOND PRELIMINARY AMENDMENT

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following amendments are submitted preliminary to an action on the merits.

IN THE CLAIMS:

Please amend claims 23-25 as follows:

(A copy of the marked-up version of amended claims 23-25 are attached to this Amendment.

23. (Amended) An apparatus according to claim 21, wherein said connector is provided on said cover means.

24. (Amended) An apparatus according to claim 21, wherein said control circuit is adapted for processing a signal received from said throttle sensor and for outputting a command signal to said motor in response thereto.

25. (Amended) An apparatus according to [preceding claims] claim 21 , wherein said connector is including an output terminal of said throttle sensor and an input terminal for the connection to an external power supply.

Please add the following claims:

27. (New) An airflow rate control apparatus, comprising a motor, a throttle valve element driven by said motor; a throttle sensor for detecting an opening degree of the throttle valve element, wherein the motor and the sensor are located in a sealed space formed by a body for mounting the throttle valve element and a cover means and electrical connections of the motor and of the throttle sensor respectively, aggregated into a single connector.

28. (New) An apparatus according to claim 27, further comprising a switching means capable of selectively disconnecting said motor from said throttle valve element.

29. (New) An apparatus according to claim 27, further comprising an opening for communication between said sealed space and ambient surroundings.

30. (New) An apparatus according to claim 27, wherein said single connector is provided on said cover means.

31. (New) An apparatus according to claim 27, further comprising a controller for processing a signal received via said electrical connections from said throttle sensor and outputting a command signal to said motor in response thereto.

32. (New) An apparatus according to claim 27, wherein said connector is operatively mounted to said body and comprises an output terminal of said throttle sensor and an input terminal of said motor.

33. (New) An apparatus according to claim 27, further comprising a lost motion mechanism disposed within said sealed space for applying rotational force against a shaft of said throttle valve element in the event of motor malfunction.

34. (New) An apparatus according to claim 33, wherein said lost motion mechanism comprises a shaft, a spring holder attached to the shaft and returning springs for applying said rotational force against said shaft.

35. (New) An air flow rate control apparatus, comprising a motor, a throttle valve element driven by said motor, a throttle sensor for detecting an opening degree of said throttle valve element, a cover means operatively attached to a body for accommodating the throttle sensor in a space formed by cover means and said body, and a connector and a terminal formed on an outside surface and an inside surface of said cover means respectively, wherein said motor is electrically connected to said connector through said terminal for connection to ambient.

36. (New) An apparatus according to claim 35, further comprising a switching means capable of selectively disconnecting said motor from said throttle valve element.

37. (New) An apparatus according to claim 35, further comprising said apparatus further comprises a controller for processing a signal received via said electrical connections from said throttle sensor and outputting a command signal to said motor in response thereto.

38. (New) An apparatus according to claim 35, further comprising a lost motion mechanism disposed in said space for applying a rotational force against a shaft said throttle valve element in the event of motor malfunction.



39. (New) An apparatus according to claim 38, wherein said lost motion mechanism comprises a shaft, a spring holder attached to the shaft and returning springs for applying said rotational force against said shaft.

40. (New) An airflow rate control apparatus comprising a motor, a throttle valve element driven by said motor, a throttle sensor for detecting an opening degree of said throttle valve element, a control circuit including a control circuit for said motor and a cover means accommodating said control circuit and provided with a connector as an interface to ambient, wherein said cover means forms a space together with a throttle body for accommodating the throttle sensor in the space.

41. (New) An apparatus according to claim 40, further comprising switching means capable of selectively disconnecting said motor from said throttle valve element.

42. (New) An apparatus according to claim 40, wherein said connector is provided on said cover means.

43. (New) An apparatus according to claim 40, wherein said control circuit is configured to process a signal received from

said throttle sensor and to output a command signal to said motor in response thereto.

44. (New) An apparatus according to claim 40, wherein said connector comprises an output terminal of said throttle sensor and an input terminal for connection to an external power supply.

45. (New) An apparatus according to claim 40, further comprising a lost motion mechanism disposed on said space for applying a rotational force against shaft of said throttle valve element in the event of motor malfunction.

46. (New) An apparatus according to claim 45, wherein said lost motion mechanism comprises a shaft, a spring holder attached to the shaft and returning springs for applying said rotational force against said shaft.

REMARKS

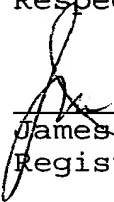
The above claims are submitted preliminary to an action on the merits. Early consideration of this case is requested under the Patent and Trademark Office's policy of expedited handling of reissue applications.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

July 25, 2001

  
\_\_\_\_\_  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 628-8800  
Facsimile No.: (202) 628-8844

JFM:cdh

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 23-25 as follows:

23. (Amended) An apparatus according to [one of the preceding claims] claim 21, wherein said connector is provided on said cover means.

24. (Amended) An apparatus according to [one of the preceding claims] claim 21, wherein said control circuit is adapted for processing a signal received from said throttle sensor and for outputting a command signal to said motor in response thereto.

25. (Amended) An apparatus according to preceding claims] claim 21 , wherein said connector is including an output terminal of said throttle sensor and an input terminal for the connection to an external power supply.

PATENT

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KANIMURA ET AL  
Serial No: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: June 21, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- X Information Disclosure Statement, Form PTO-1449, two references, copy of European Patent Office Action
- X Change of Correspondence Address

DUE DATE July 4, 2001

JFM:wib

CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 628-8800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit: Unassigned

Filed: FEBRUARY 9, 2001                      Examiner: Unassigned

Title: AIR FLOW RATE CONTROL APPARATUS

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents  
Washington, D.C. 20231

June 21, 2001

Sir:

In accordance with the duty of disclosure under 37 CFR \$1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

Two articles are provided in response to a European Patent Office Action dated April 4, 2001. An English abstract summarizing the disclosures of one of the two articles is submitted herewith (AK). Applicants are unaware of an English abstract or translation of the other article, which is in German.

The present Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits. Furthermore, I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months

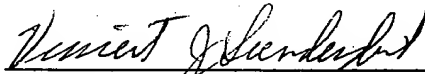
prior to the filing of this Information Disclosure Statement and therefore no fee under 37 C.F.R. \$1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, the paper should be considered as a petition for consideration of the Information Disclosure Statement under 37 C.F.R. \$1.97(d)(2) and that the petition fee set forth in 37 C.F.R. \$1.17(i) in accordance with 37 C.F.R. \$1.97(d)(3) should be charged to Deposit Account No. 05-1323 (Docket No. 381AS/42640RE).

Respectfully submitted,

June 21, 2001

  
For James F. McKeown  
Registration No. 25,406

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 628-8800  
Facsimile No.: (202) 628-8844

2095  
Rev A  
FTO

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit: Unassigned

Filed: FEBRUARY 9, 2001                      Examiner: Unassigned

Title: AIR FLOW RATE CONTROL APPARATUS

**NOTICE OF CHANGE OF  
CORRESPONDENCE ADDRESS OF ATTORNEYS OF RECORD  
UNDER 37 C.F.R. §1.33(d)**

Commissioner for Patents  
Washington, D.C. 20231

June 21, 2001

Sir:

As an attorney of record acting on behalf of the Applicant, the undersigned hereby gives notice of a change of correspondence address of attorneys of record, under 37 C.F.R. §1.33(d). Please send all future correspondence to the following address:

CROWELL & MORING, L.L.P.  
Intellectual Property Group  
P.O. Box 14300  
Washington, D.C. 20044-4300  
Telephone No.: (202) 628-8800  
Facsimile No.: (202) 628-8844



Form PTO-1449

U.S. Department of Commerce  
Patent & Trademark OfficeAtty. Docket No.  
381AS/42640RE

Serial No. 09/779,710

Applicant: Yasuhiro KAMINURA, et al.

**INFORMATION DISCLOSURE STATEMENT**  
(Use several sheets if necessary)Filing Date:  
February 9, 2001

Group: Unassigned

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

## FOREIGN PATENT DOCUMENTS

		Document	Date	Country	Class	Sub-class	Translation Yes   No
	AG						
	AH						
	AI						
	AJ						

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AK	(D2)VDO Querschnitt 4 (March 1981) (Abstract)
	AL	(D3) VDO Querschnitt 2 (May 1979) (No translation or abstract)
	AM	European Office Action dated 4/4/01

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.63

PATENT

Att'y Docket: 381AS/42640RE  
Inventor(s): YASUHIRO KAMIMURA ET AL.  
Serial No.: 09/779,710  
Filing Date: FEBRUARY 9, 2001

Today's Date: May 8, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Copy of Notice to File Missing Parts of Application
- ☒ Executed Declaration and Power of Attorney, Including Assignee's Consent
- ☒ Preliminary Amendment
- ☒ Check No. 58892 in the amount of \$1218.00
- ☒ Check No. 212441 in the amount of \$130.00

DUE DATE: 5/8/01

JFM/ajf

CROWELL & MORING LLP  
1200 G STREET, N.W., SUITE 700  
WASHINGTON, D.C. 20005  
TEL: (202) 628-8800

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT - REISSUE DECLARATION  
Page 2

Prior Foreign Application(s) Priority Claimed

<u>07-004673</u> (Number)	<u>Japan</u> (Country)	<u>17 January 1995</u> (Day/Month/Year)	<u>Yes</u>
<u>07-006189</u> (Number)	<u>Japan</u> (Country)	<u>19 January 1995</u> (Day/Month/Year)	

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u> (Application Serial No.)	<u>November 24, 1997</u> (Filing Date)	<u>U.S.P. 5,868,114</u> <u>for which this is</u> <u>reissue appln.</u> (patented _____).
--	---	---

We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

**Evenson, McKeown, Edwards & Lenahan**  
1200 G Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR:** Yasuhiro KAMIMURA  
**Citizenship:** Japan  
**Postal Address/Residence:** 511-11, Ichige,  
Hitachinaka-shi, Japan

日付 → (03/13/2001) → (Yasuhiro Kamimura) ← 上村 雅弘  
Date Signature of 1<sup>st</sup> inventor

**INVENTOR:** Yasushi SASAKI  
**Citizenship:** Japan  
**Postal Address/Residence:** 1800-42, Hirano, Urizuramachi, Naka-gun,  
Ibaraki-Ken, Japan

" → (03/07/01) → (Yasushi Sasaki) ← 佐々木 康志  
Date Signature of 2<sup>nd</sup> inventor

**INVENTOR:** Sadayuki AOKI  
**Citizenship:** Japan  
**Postal Address/Residence:** 40, Takahamacho-3-chome  
Takahagi-shi, Japan

" → (03/09/2001) → (S. Aoki) ← 青木 貞幸  
Date Signature of 3<sup>rd</sup> inventor

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT - REISSUE DECLARATION  
Page 4

INVENTOR:  
Citizenship:

Kazuo NAGAYAMA  
Japan

Postal Address/Residence:

209-6, Higashiishikawa,  
Hitazhinaka-shi, Japan

日付 → (03/06/2001)

Date

(K. Nagayama)

Signature of 4<sup>th</sup> inventor

← 長山

ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,868,114, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

日付 → 3/16/2001

Date

Hitachi, Ltd. Japan

By: Yasuo Sakuta

Yasuo SAKUTA, Patent Attorney  
Executive Managing Director,  
Intellectual Property Group  
(Authorized Signing Officer)

DECLARATION AND POWER OF ATTORNEY  
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

**AIR FLOW RATE CONTROL APPARATUS**

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, ~~as indicated by the scope of the additional broader claims being submitted herewith as claims 21-25.~~ The assignee of this patent recently discovered the error and the need for broadened claim coverage upon reviewing the patent.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the Applicant.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE

James F McKeown  
Everson McKeown Edwards & Lenahan PLLC  
Suite 700  
1200 G Street NW  
Washington, DC 20005-3814

## FORMALITIES LETTER



\*OC000000005839282\*

Date Mailed: 03/08/2001

## NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

*Filing Date Granted*

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$508.
  - \$108 for 6 total claims over 20.
  - \$80 for ( independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

- The balance due by applicant is \$ 898.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710

Filed: FEBRUARY 9, 2001

Title: AIR FLOW RATE CONTROL APPARATUS

SUBMISSION OF MISSING PARTS IN APPLICATION

**Box Missing Parts**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

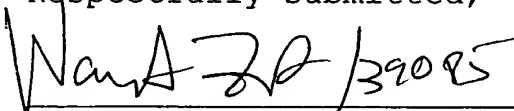
Attached hereto please find:

1. The Notice to File Missing Parts of Application.
2. The executed reissue Declaration, including Assignee's Consent.
3. Preliminary Amendment.
4. A check in the amount of \$1218.00 in payment of the basic filing fee of \$710.00 and the \$508.00 additional claim fee
5. A check in the amount of \$130.00 in payment of the surcharge for late submission of the Declaration.

Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring, L.L.P., Account Number 05-1323 (Docket #381AS/42640RE). A duplicate copy of this letter is attached.

Respectfully submitted,

May 8, 2001

  
James F. McKeown  
Registration No. 25,406

CROWELL & MORING LLP  
1200 G Street, N.W., Suite 700  
Washington, DC 20005  
Telephone No.: (202) 628-8800  
Facsimile No.: (202) 628-8844

JFM/ajf

Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710                      Group Art Unit:

Filed: FEBRUARY 9, 2001                      Examiner:

Title: AIR FLOW RATE CONTROL APPARATUS

PRELIMINARY AMENDMENT

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

May 8, 2001

Sir:

Please enter the following amendments to the specification, claims and abstract prior to the examination of the application.


IN THE CLAIMS:

Please amend claims 23-25 as follows:

(A copy of the marked-up version of amended claims 23-25 are attached to this Preliminary Amendment).

23. (Amended) An apparatus according to [one of the preceding] claim[s] 21, wherein said connector is provided on said cover means.

24. (Amended) An apparatus according to [one of the preceding] claim[s] 21, wherein said control circuit is adapted



for processing a signal received from said throttle sensor and for outputting a command signal to said motor in response thereto.

25. (Amended) An apparatus according to [one of the preceding] claim[s] 21 , wherein said connector is including an output terminal of said throttle sensor and an input terminal for the connection to an external power supply.

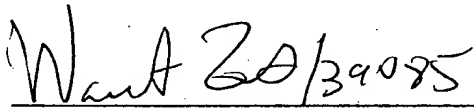
**REMARKS**

Entry of the amendments to the claims before examination of the application is respectfully requested.

If there are any questions regarding this Preliminary Amendment or this application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Evenson, McKeown, Edwards & Lenahan, P.L.L.C., Deposit Account No. 05-1323 (Docket #381AS/42640RE).

Respectfully submitted,

  
James F. McKeown  
to Registration No. 25,406

CROWELL & MORING, LLP  
1200 G Street, N.W., Suite 700  
Washington, DC 20005  
Telephone No.: (202) 628-8800  
Facsimile No.: (202) 628-8844

JFM:cdh

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please amend claims 23-25 as follows:

23. (Amended) An apparatus according to [one of the preceding] claim[s] 21, wherein said connector is provided on said cover means.

24. (Amended) An apparatus according to [one of the preceding] claim[s] 21, wherein said control circuit is adapted for processing a signal received from said throttle sensor and for outputting a command signal to said motor in response thereto.

25. (Amended) An apparatus according to [one of the preceding] claim[s] 21 , wherein said connector is including an output terminal of said throttle sensor and an input terminal for the connection to an external power supply.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE

James F McKeown  
Everson McKeown Edwards & Lenahan PLLC  
Suite 700  
1200 G Street NW  
Washington, DC 20005-3814

## FORMALITIES LETTER



\*OC000000005839282\*

*Due: 5/8/01.*

Date Mailed: 03/08/2001

## NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

***Filing Date Granted***

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$508.
  - \$108 for 6 total claims over 20.
  - \$ 80 for 1 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).
- The balance due by applicant is \$ 898.

*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/779,710	02/09/2001	3747	0	381AS/42640RE	6	26	8

## FILING RECEIPT



\*OC00000005839281\*

James F McKeown  
Everson McKeown Edwards & Lenahan PLLC  
Suite 700  
1200 G Street NW  
Washington, DC 20005-3814

Date Mailed: 03/08/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Yasuhiro Kamimura, ?, ? ;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A REI OF 08/969,708 11/24/1997 PAT 5,868,114  
WHICH IS A CON OF 08/583,794 01/16/1996 ABN

## Foreign Applications

JAPAN 7-004673 01/19/1995  
JAPAN 7-006189 01/19/1995

If Required, Foreign Filing License Granted 03/07/2001

## Title

Air flow rate control apparatus

## Preliminary Class

123



Data entry by : CHADWICK, YOLANDA

Team : OIPE

Date: 03/08/2001



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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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PATENT

Att'y Docket # 231AS/42640RE  
Inventor(s) YASUHIRO KANIMURA, ET AL.  
Serial No. 10186 Assigned  
Filing Date February 9, 2001

Today's Date February 9, 2001

The following has been received from the U.S. Patent & Trademark Office on the date stamped hereon:

- X Responsive Application Transmitted
- X Specification including 26 Claims, 7 pages
- X 63 sheets of drawings showing 1 fig.
- X Description of Invention, Power of Attorney (not received)

DUE DATE February 9, 2001

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February 9, 2001

**Box PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RE: YASUHIRO KAMIMURA ET AL.  
New U.S. Reissue Patent Application for  
AIR FLOW RATE CONTROL APPARATUS  
U.S.P. 5,868,114  
Attorney Docket No: 381AS/42640RE

Sir:

Enclosed herewith please find reissue application papers of  
U.S. Patent No. 5,868,114 by YASUHIRO KAMIMURA ET AL. for AIR  
FLOW RATE CONTROL APPARATUS (issued February 9, 1999) comprising:

Specification, including 26 Claims, original patent claims  
1-20 and added claims 21-26 (7 pages).

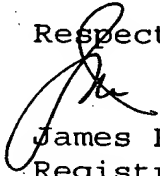
6 Sheet of Drawings showing Figures 1-8 as printed in  
U.S. Patent 5,868,114.

xx Unexecuted Declaration and Power of Attorney with  
Assignee's Consent (Deferred).

The filing fee is deferred. However, to the extent needed  
to assure a filing date of today for this reissue application,  
you are authorized to charge our deposit account (#05-1323)  
(Attorney Docket No. 381AS/42640RE).

Applicants offer to surrender the original patent pursuant  
to 37 C.F.R. 1.178. The submission of the original patent or an  
affidavit or declaration concerning its unavailability is  
deferred.

Respectfully submitted,

  
James F. McKeown  
Registration No. 25,406

JFM:cdh

21. (New) An airflow rate control apparatus comprising a throttle valve element driven by a motor ; a throttle sensor for detecting an opening degree of the throttle valve element and a control circuit including a control circuit for the motor, wherein the control circuit is provided on or in a cover means provided with a connector as an interface to the outside.

22. (New) An apparatus according to claim 21, further comprising a switching means capable of selectively disconnecting said motor from said throttle valve element.

23. (New) An apparatus according to one of the preceding claims, wherein said connector is provided on said cover means.

24. (New) An apparatus according to one of the preceding claims, wherein said control circuit is adapted for processing a signal received from said throttle sensor and for outputting a command signal to said motor in response thereto.

25. (New) An apparatus according to one of the preceding claims, wherein said connector is including an output terminal of said throttle sensor and an input terminal for the connection to an external power supply.

26. (New) An apparatus according to claim 21, wherein the cover means forms a space together with a throttle body for accommodating the throttle sensor in the space.

DECLARATION AND POWER OF ATTORNEY  
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

**AIR FLOW RATE CONTROL APPARATUS**

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 21-26. The assignee of this patent recently discovered the error and the need for broadened claim coverage upon reviewing the patent.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the Applicant.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT - REISSUE DECLARATION  
Page 2

Prior Foreign Application(s) Priority Claimed

<u>07-004673</u> (Number)	<u>Japan</u> (Country)	<u>17 January 1995</u> (Day/Month/Year)	<u>Yes</u>
<u>07-006189</u> (Number)	<u>Japan</u> (Country)	<u>19 January 1995</u> (Day/Month/Year)	_____

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u> (Application Serial No.)	<u>November 24, 1997</u> (Filing Date)	<u>U.S.P. 5,868,114</u> <u>for which this is</u> <u>reissue appln.</u> (patented _____).
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We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

**Evenson, McKeown, Edwards & Lenahan**  
1200 G Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false



statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR:** Yasuhiro KAMIMURA  
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\_\_\_\_\_  
Date Signature of 1<sup>st</sup> inventor

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Date Signature of 2<sup>nd</sup> inventor

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Date Signature of 3<sup>rd</sup> inventor

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT - REISSUE DECLARATION  
Page 4

**INVENTOR:** Kazuo NAGAYAMA  
**Citizenship:** Japan  
**Postal Address/Residence:** 209-6, Higashiishikawa,  
Hitazhinaka-shi, Japan

\_\_\_\_\_  
Date Signature of 4<sup>th</sup> inventor

**ASSIGNEE'S CONSENT**

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,868,114, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

Hitachi, Ltd. Japan

\_\_\_\_\_  
Date By: \_\_\_\_\_

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